

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHARROD MOTEN,

Plaintiff,

v.

THERESA CISNEROS, et al.,

Defendants.

No. 1:24-cv-00043 GSA (PC)

ORDER DISREGARDING PLAINTIFF'S
RESPONSE TO SHOWING OF CAUSE
ORDER

(ECF No. 7)

PLAINTIFF'S SHOWING OF CAUSE
REMAINS DUE **FEBRUARY 26, 2024**

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. ECF Nos. 1, 6. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1)(B).

Before this Court is Plaintiff's response to the Court's January 26, 2024, order directing him to file a showing of cause. ECF No. 7. For the reasons stated below, Plaintiff's response to the showing of cause will be disregarded.

I. RELEVANT FACTS

On January 26, 2024, the Court determined that Plaintiff is likely a three strikes litigant within the meaning of 28 U.S.C. § 1915(g). ECF No. 5. As a result, Plaintiff was ordered to show cause why his application to proceed in forma pauperis should not be denied and he be

1 required to pay the filing fee.¹ Id. at 7. He was given thirty days to respond to the Court's order.
2 See id. On February 12, 2024, a document entitled "Order to Show Cause" filed by Plaintiff was
3 docketed. ECF No. 7. The Court considers it herein.

4 II. DISCUSSION

5 Although the named Defendants in the case caption of Plaintiff's "Order to Show Cause"
6 document and the case number in the case caption of it are correct, the document fails to address
7 the showing of cause Plaintiff was ordered to file regarding why his application to proceed in
8 forma pauperis should not be denied pursuant to 28 U.S.C. § 1915(g). See generally ECF No. 7.
9 Instead, Plaintiff's fifteen-page filing appears to be a motion requesting that federal judges in
10 another district – presumably before whom Plaintiff also has pending matters – recuse themselves
11 from those cases. See generally id.

12 For this reason, Plaintiff's filing will be disregarded as improperly filed. Plaintiff is
13 reminded that there still remains time for him to file a proper response to the Court's order to
14 show cause on the Section 1915(g) matter. Plaintiff is again cautioned that failure to timely
15 respond to the Court's order to show cause may result in a recommendation that this matter be
16 dismissed.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff's response to the Court's order to show cause (ECF No. 7) is
19 DISREGARDED as unresponsive, and
20 2. Plaintiff may still file a proper showing of cause in response to the Court's order
21 issued January 26, 2024 (ECF No. 5), by **February 26, 2024**.

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24 IT IS SO ORDERED.

25 Dated: **February 16, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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28 ¹ A duplicate of the order to show cause was also filed in Moten v. Cisneros, No. 1:24-cv-0022 GSA.